

House Bill 1420

By: Representatives Sinkfield of the 60th, Benfield of the 85th, Watson of the 91st, Lucas of the 139th, Orrock of the 58th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 30 of the Official Code of Georgia Annotated, relating to handicapped
2 persons, so as to create the Commission for the Blind; to provide for a short title; to provide
3 for legislative intent; to provide for the composition and appointment of commission
4 members; to provide for an executive director; to provide for duties; to provide for an annual
5 report; to provide for a complaint process; to specify the powers and duties of the
6 commission, transferring functions otherwise assigned; to provide for an effective date; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is
11 amended by adding a new chapter to the end of such title to read as follows:

12 "CHAPTER 11

13 30-11-1.

14 This chapter shall be known and may be cited as the 'Commission for the Blind Act.'

15 30-11-2.

16 (a) The purpose of this chapter is to establish and authorize a coordinated program of
17 services throughout the state that will be available to individuals who are blind. The
18 program shall be designed to maximize employment opportunities for such individuals and
19 to increase their independence and self-sufficiency.

20 (b) It is the policy of this state that all programs, projects, and activities of the commission
21 shall be carried out in a manner consistent with the following principles:

- 1 (1) Respect for individual dignity, personal responsibility, self-determination, and pursuit
2 of meaningful careers, based on informed choice;
- 3 (2) Support for the involvement of an individual's representative if an individual
4 requests, desires, or needs such support;
- 5 (3) Respect for the individual's privacy and equal access, including the use of
6 information in accessible formats; and
- 7 (4) Integration and full participation of individuals who are blind in society on equal
8 terms with others.

9 30-11-3.

10 (a) The Commission for the Blind is hereby created. The commission shall consist of five
11 members appointed by the Governor and qualified to serve based on knowledge and
12 experience in rehabilitation and related services for the blind. A majority of the members
13 shall be blind. No member of the commission shall be employed by the commission during
14 the term of such membership.

15 (b) The Governor shall consult with consumer groups representing blind persons in this
16 state to obtain their recommendations of individuals to be appointed.

17 (c) The appointment of each member shall be for a term of three years, except for the
18 terms of the initially appointed members. Three of the initial appointments shall be for
19 terms of two years and two of the initial appointments shall be for terms of one year as
20 specified by the Governor. Thereafter, all members shall be appointed for terms of three
21 years.

22 (d) The commission shall meet quarterly and at such other times as it shall determine. The
23 chairperson of the commission shall be elected by the members present and voting at the
24 first meeting of the commission and annually thereafter. Commissioners shall receive no
25 salary, but shall be allowed the usual mileage, subsistence, and per diem as authorized by
26 law. A majority of the members of the commission shall constitute a quorum to transact
27 business.

28 30-11-4.

29 (a) The commission shall appoint an executive director with knowledge and experience
30 in rehabilitation and related services for the blind. The executive director shall serve as
31 secretary to the commission and shall be the chief administrative officer of the commission.
32 The executive director's appointment shall be for an indefinite period but may be
33 terminated for cause as determined by a majority of the commission. Preference shall be

1 given to employing an individual who is blind and meets the qualifications specified by the
2 commission.

3 (b) The executive director shall employ such personnel as are needed and shall fix their
4 compensation in a manner consistent with state law.

5 30-11-5.

6 (a) The commission shall:

7 (1) Develop and carry out a state plan for vocational rehabilitation services for
8 individuals who are blind pursuant to Section 101 of the federal Rehabilitation Act of
9 1973, as amended;

10 (2) Provide independent living services for blind and visually impaired individuals,
11 including services for older individuals who are blind pursuant to Title VII of the federal
12 Rehabilitation Act of 1973, as amended;

13 (3) Contract with private agencies who provide service for the blind to provide
14 prevocational and other training such as, but not limited to, instruction in Braille,
15 orientation and mobility for independent travel, homemaking and home-management
16 skills, and communications skills, including the use of computer technology, to prepare
17 blind and visually impaired persons for eventual vocational training, job placement,
18 higher education, home usage such as reading of mail and letter writing, and
19 independence;

20 (4) Establish and carry out a business enterprises program and serve as the state licensing
21 agency for blind individuals pursuant to the federal Randolph-Sheppard Act;

22 (5) Establish and administer a state-wide program to certify individuals who are qualified
23 to teach Braille to blind individuals, including individuals attending elementary and
24 secondary schools, using performance criteria based on the National Literary Braille
25 competency examination administered by the Library of Congress;

26 (6) Purchase and distribute specialized equipment, devices, and technology, including
27 low-vision aides, obtained directly from specialty vendors without state centralized
28 purchasing procedures;

29 (7) Provide library services to persons who are blind and persons with physical
30 disabilities in cooperation with the Library of Congress;

31 (8) Create and maintain an instructional media center for the production, purchase,
32 distribution, reallocation, and warehousing of accessible materials for blind children and
33 adults;

34 (9) Provide technical assistance in cooperation with other appropriate agencies to assist
35 the Department of Education and local boards of education in the provision of auxiliary

1 aids and services to blind students and their parents by complying with the federal
2 Americans with Disabilities Act, as amended, and the federal Individuals with Disabilities
3 Education Act, as amended;

4 (10) Provide technical assistance to agencies within the state in order to ensure that
5 information technology purchased or used by such agencies is accessible to and useable
6 by individuals who are blind at the time the technology is purchased or used;

7 (11) Participate, through the designation of the executive director or an appropriate staff
8 member of the commission, on boards, commissions, or bodies which may exist or be
9 established within the state for the purpose of coordination and planning of services;

10 (12) Conduct a review of consumer satisfaction with programs of the commission and
11 perform other functions of the state-wide rehabilitation council specified in Section
12 105(c) of the federal Rehabilitation Act of 1973, as amended;

13 (13) Promulgate rules to carry out programs of the commission;

14 (14) Apply for and receive money from any state or federal agency to support the
15 programs of the commission and receive on behalf of the state any gifts, donations, or
16 bequests from any source to be used in carrying out the commission's duties as described
17 herein; and

18 (15) Develop and administer any other program which will further the provision of
19 services to the blind and is determined by the commission to fall within its scope of
20 responsibility.

21 (b) The commission may carry out any of the powers and duties enumerated in this Code
22 section by contract or cooperative agreement or by the direct administration of any
23 program.

24 30-11-6.

25 The commission shall publish an annual report including a list of accomplishments,
26 findings, and recommendations for improvement based on its activities and performance
27 during the year. The report shall contain information needed to evaluate the progress of the
28 commission in meeting the needs of blind individuals in the state.

29 30-11-7.

30 (a) Any applicant for or recipient of services from the commission who is dissatisfied with
31 any action taken or decision made regarding such services may file a complaint setting
32 forth the basis for the dissatisfaction and the remedy sought. Upon receipt of the
33 complaint, the executive director shall inform the individual of the voluntary process
34 available for mediation of the dispute. The mediation, if chosen by the individual, shall be

1 conducted by a qualified and impartial mediator and the cost shall be paid by the
2 commission.

3 (b) If the dispute cannot be resolved by mediation or other informal means, the executive
4 director shall, upon request of the individual, convene an arbitration panel which shall give
5 notice, conduct a hearing, and render a decision. The arbitration panel shall be composed
6 of three members appointed as follows:

7 (1) One individual designated by the individual filing the complaint;

8 (2) One individual designated by the executive director; and

9 (3) One individual chosen by the other designees who is an impartial hearing officer as
10 defined in Section 102 of the federal Rehabilitation Act of 1973, as amended, who shall
11 serve as chairperson of the arbitration panel and issue the decision.

12 (c) The commission shall promulgate rules sufficient to regulate the conduct of all
13 proceedings required in this Code section and to ensure the rights of all parties participating
14 therein.

15 30-11-7.

16 (a) The commission shall work cooperatively with private agencies that provide services
17 for the blind. All existing contracts and agreements in effect concerning services for the
18 blind shall be binding upon the commission to the same extent that such contracts or
19 agreements were binding upon the agency from which they were transferred.

20 (b) All proceeds from claims filed with any agency, including the Social Security
21 Administration, which relate to the provision of services for the blind shall be transferred
22 to the commission from any agency receiving such proceeds."

23 **SECTION 2.**

24 This Act shall become effective on July 1, 2006.

25 **SECTION 3.**

26 All laws and parts of laws in conflict with this Act are repealed.